

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT BARABINO,
Plaintiff,

No. 2:04-cv-02359-MCE-EFB

v.

ORDER TRANSFERRING CASE

DAN GAMEL, INC.;
FLEETWOOD ENTERPRISES,
INC., FLEETWOOD MOTOR
HOMES OF PENNSYLVANIA,
INC.,

Defendants.

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On April 20, 2009, judgment was entered in this manner
against Defendant Dan Gamel, Inc. That judgment left as
remaining Defendants in this matter only Fleetwood Enterprises,
Inc. and Fleetwood Motor Homes of Pennsylvania, Inc.
"Fleetwood").

1 On or about March 10, 2009, however, both Fleetwood Defendants
2 filed Petitions for Chapter 11 Bankruptcy Relief in the United
3 States Bankruptcy Court for the Central District of California,
4 Case Nos. 6:09-bk-14254 and 6:09-bk-14385, respectively. Those
5 bankruptcy filings operated as an automatic stay of this
6 litigation as against both Fleetwood Defendants.

7 Given Fleetwood's bankruptcy and the automatic stay in
8 effect, this Court's April 6, 2009 Order directed the Fleetwood
9 Defendants to advise the Court, not later than twenty (20) days
10 after April 6, 2009, why the remaining claims against Fleetwood
11 in this litigation are not related, under 28 U.S.C. § 1409(a) to
12 Fleetwood's Chapter 11 bankruptcy proceedings pending in the
13 Central District of California, and why this case should not be
14 transferred to the Central District for handling as an adversary
15 action pursuant to 28 U.S.C. § 1404(a).

16 No response was received challenging this contemplated
17 disposition. Given that non-response, and good cause appearing
18 therefor, the Court finds that the remaining claims against
19 Fleetwood herein are related, under 28 U.S.C. § 1409(a) to
20 Fleetwood's Chapter 11 bankruptcy proceedings pending in the
21 Central District of California. Consequently, the Court orders
22 that Plaintiff's remaining claims asserted by way of this lawsuit
23 against Fleetwood Enterprises, Inc. and Fleetwood Motor Homes of
24 Pennsylvania, Inc. are transferred to the United States
25 Bankruptcy Court for the Central District of California for
26 handling as an adversary action within the context of the
27 bankruptcy proceedings pending there, Case Nos. 6:09-bk-14254 and
28 6:09-bk-14385, respectively.

1 The Clerk of Court is hereby directed to close the case
2 pending here in the Eastern District of California.

3 IT IS SO ORDERED.

4 Dated: July 14, 2009

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7 MORRISON C. ENGLAND, JR.
8 UNITED STATES DISTRICT JUDGE
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